

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOEL FLOWE)	Civ. No. 13-00111 LEK-BMK
)	
Plaintiff,)	FINDINGS AND
)	RECOMMENDATION TO DENY
vs.)	PLAINTIFF'S APPLICATION TO
)	PROCEED WITHOUT
GERALDINE TAVARES, et al.)	PREPAYMENT OF FEES
)	WITHOUT PREJUDICE
)	
Defendants.)	
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FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF'S
APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES
WITHOUT PREJUDICE

Plaintiff Joel Flowe filed an Application To Proceed Without Prepayment of Fees and Costs under 28 U.S.C. § 1915. After careful consideration of the application and affidavit, the Court FINDS and RECOMMENDS that this application be DENIED WITHOUT PREJUDICE because the application fails to provide an adequate picture of Plaintiff's income. Under paragraph two of the application, Plaintiff lists his annual gross income as \$36,000 and his annual take home pay as \$24,372. He also claims additional monthly income of \$849. This level of income would most likely disqualify Plaintiff from seeking in forma pauperis status. However, the last page of Plaintiff's application states that "I cannot pay for this request because I have not received a pay check in five . . .

months.” (Doc. #2 at 2.) Plaintiff’s complaint also asserts that his employer has not paid him in full for five months and that he only receives checks of \$15 and \$139, but Plaintiff does not specify his current total monthly income from his employment. (Doc. #1 at 1.) Because the Court cannot evaluate Plaintiff’s application without an adequate picture of his current monthly income, Plaintiff’s application is denied without prejudice. Plaintiff is permitted to file a new application no later than **April 15, 2013**, that: 1) states his employer’s name and address; 2) specifies his total current monthly income from his employment; and 3) meets all other requirements of the application to proceed without prepaying fees or costs.

IT IS SO FOUND AND RECOMMENDED.

DATED: Honolulu, Hawaii, March 11, 2013.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

Flowe v. Tavares, Civ. No. 13-00111 LEK-BMK; FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF’S APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES WITHOUT PREJUDICE